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| 10/751,221      | 01/02/2004  | Kenneth F. Krutsch   | 2734                | 1167             |

7590 07/06/2007  
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| EXAMINER |
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WU, QING YUAN

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| ART UNIT | PAPER NUMBER |
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2194

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07/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|  |   |  |  |
|--|---|--|--|
| <p align="center"><b>Office Action Summary</b></p> | <p>Application No.</p> <p align="center">10/751,221</p> | <p>Applicant(s)</p> <p align="center">KRUTSCH ET AL.</p> |  |
|  | <p>Examiner</p> <p align="center">Qing-Yuan Wu</p>      | <p>Art Unit</p> <p align="center">2194</p>               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
 WILLIAM THOMSON  
 SUPERVISORY PATENT EXAMINER

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)                                       |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application                             |
| Paper No(s)/Mail Date _____  | 6) <input checked="" type="checkbox"/> Other: <u>Requirement for Information</u> <b>1.105</b> |

### DETAILED ACTION

1. Claims 1-11 are pending in the application.

#### *Priority*

2. Priority is claimed as a continuation-in-part pursuant to 35 U.S.C. § 120. The examiner acknowledges the priority claim and notes that only claims in a continuation-in-part application that is directed solely to subject matter adequately disclosed in the parent non-provisional application is entitled to the benefit of the filing date of the parent non-provisional application (MPEP § 201.11, section VI).

No supports are found or provided in the parent CIP application, therefore, for examination purpose claims 1-11 are rejected based on limitations supported by provisional application filed on 1/2/03 and the filing date of the instant application.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4 and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lacks antecedent basis:

- i. the process - claim 4.
- ii. the set, the document - claim 10.

b. The following terms are indefinite:

i. As to claim 9, it is uncertain if “the third-tier application program” refers to “an application management program” or “a third-tier application” (i.e. if it is referring to “a third-tier application” then “the third-tier application” should be used throughout all claims to be consistent. For examination purpose, it will be tread as “the third-tier application”).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (hereafter AAPA) (U.S. Patent Publication No. 2004/0199922), in view of Araujo et al. (hereafter Araujo) (U.S. Patent 7,111,060).

7. As to claim 1, AAPA teaches the invention substantially as claim including a method of programmatically managing a third-tier application where a first-tier user accesses the third-tier application over a network through a second-tier server [paragraph 4; Fig.2], the method comprising the steps of:

launching the third-tier application in the third-tier process space [paragraph 4, lines 10-11];

passing user interface and user commands between the third-tier application with a first-tier computer via the second-tier server [paragraph 4, lines 11-22];

transmitting a command from the second-tier server to the third-tier application in the third-tier processing space [paragraph 6].

8. AAPA does not specifically teach initiating an application managing program in a third-tier process space, transmitting a command from the second-tier server to the application managing program in the third-tier processing space and the application managing program controlling the third-tier application in accordance with the command received from the second-tier server. However, Araujo teaches a Service Enablement Platform (hereafter SEP) serving as a second-tier (i.e. web server) and third-tier (i.e. collectively implemented with application server) application, transmitting commands through the SEP, and controlling (launching associated applications) the third-tier application [Araujo, col. 10, lines 29-56; col. 11, lines 19-23, 39-56; 30, Figs. 1-3].

9. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of AAPA with the teaching of Araujo because Araujo and AAPA are both in the same field of endeavor and that the teaching of Araujo can further enhances the management capability of AAPA by providing secure access to third-tier applications [Araujo, col. 11, lines 28-30].

10. As to claims 2-3, AAPA as modified teaches substantially the invention as claim including further comprising the step of loading a requested document into the third-tier

application [paragraph 6], and wherein the application managing program directs the third-tier application to load the requested document [Araujo, col. 11, lines 39-42; Fig. 18].

11. As to claim 4, AAPA as modified teaches substantially the invention as claim including wherein the application managing program consults a data store for data about the third-tier application, the data including information on the process to be used to control the third-tier application [Araujo, col. 12, line 57-col. 13, line 14; col. 29, lines 39-64].

12. As to claim 5, this claim is rejected for the same reason as claim 2 above.

13. As to claim 6, AAPA as modified does not specifically teach the document is opened as a read-only document. However, AAPA as modified disclosed shared files [Araujo, col. 20, lines 21-25]. In addition, it is well known in the art in systems where documents/files access sharing are provided to only allow one write access and all other access as read-only (i.e. access locking, semaphore, etc).

14. As to claim 7, AAPA as modified teaches substantially the invention as claim including wherein the command is an instruction to launch an additional third-tier application [Araujo, col. 29, lines 52-64; Fig. 18].

15. As to claims 8-10, AAPA as modified does not specifically teach manipulation with various attributes of the third-tier application. However, AAPA as modified disclosed document attribute for designating software application that should open the file, various access related

attributes [paragraph 7], and manipulation of various settings in third-tier application [Araujo, col. 11, line 62-col. 12, line 19; col. 18, lines 32-65; Fig. 16]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of AAPA as modified to further enhance the remote access capabilities by extending the access to remote applications [Araujo, col. 4, lines 34-40].

16. As to claim 11, this claim is rejected for the same reason as claim 1 above. In addition, AAPA as modified teaches detection of an activation of a hyperlink by a user of a first-tier computer [paragraph 5; Araujo, col. 11, lines 23-50] and a thin-client operating on the first-tier computer [paragraph 4].

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Qing-Yuan Wu

Examiner

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***Requirement For Information - 37 USC § 1.105***

**1. Applicant and Assignee of this application are required under 37 CFR 1.105 to provide the following that the Examiner has determined is reasonably necessary to the examination of this application.**

The Examiner's prior art search revealed a number of intervening references that have been asserted and rejected under 35 U.S.C. 102(e), see attached office actions issued by the Examiner on parent application 09/866,454.

Therefore, in response to this requirement, please provide a mark-up copy of the CIP showing the subject matter added to the parent case and state where specific support for the claimed subject matter in claims 1-11 are found, and from which specification, either the parent cases (09/866,454 and PCT/US00/24719) or the instant application this support is found. See MPEP 704.11(a) and 37 CFR 1.105(a)(i)-(vii).

The information is required to identify where support is found for each claim such that the appropriate effective filing date will be afforded the individual claims as they might be supported from either the parent case(s) or as new matter that caused the filing of the instant CIP.

This requirement is necessary to examine the distinction between applicant's prior specifications and the instant application filed as a CIP.

This request is made in view of the prosecution history with arguments made by Applicant and will assist in determining whether uncovered references constitute prior art against specific claims.

This requirement is subject to the provisions of 37 C.F.R. 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Qing-Yuan Wu

Examiner

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WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER